

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                    |   |   |                        |
|--------------------|---|---|------------------------|
| APPLICANT:         | BUCKNER   | ) |                        |
| INT'L APP. NO.:    | PCT/US05/011269   | ) | EXAMINER:              |
| INT'L FILING DATE: | 05 APRIL 2005   | ) |                        |
| SERIAL NO.:        | 10/599,662  | ) | ART UNIT:              |
| FILED:             | OCTOBER 4, 2006   | ) | CONFIRMATION NO.: 2433 |
| TITLE:             | METHOD AND APPARATUS FOR THE<br>SURGICAL TREATMENT OF<br>CONGESTIVE HEART FAILURE | ) |                        |

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT**

Applicant calls the Examiner's attention to the patents and publications listed on the attached Form PTO-1449, copies of required documents enclosed, which may be material to examination of the above identified application.

**TIME OF TRANSMITTAL**

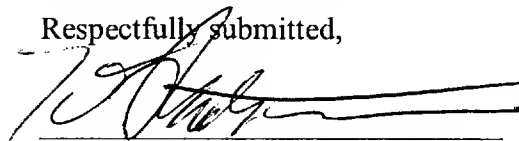
This Information Disclosure Statement is being filed under 37 CFR § 1.97(b). This Statement is filed within at least one of the following time periods:

- (a) within three months of the filing date of a national application (other than a CPA under 37 CFR § 1.53(d));
- (b) within three months of the date of entry of the national stage as set forth in 37 CFR § 1.491 in an international application;
- (c) before the mailing of a first Office Action of the merits; or
- (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR § 1.114.

No fee is believed to be due in this instance. However, the undersigned hereby authorizes the charging of any fees created by the filing of this document to Deposit Account No. 19-5117.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. This listed patents and publications are believed of interest herein and consideration and citation of as interest by Examiner is respectfully requested.

Respectfully submitted,



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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /G.P./

|   |   |                                 |
|---|---|---------------------------------|
| <b>FORM PTO-1449 U.S. DEPARTMENT OF<br/>COMMERCE PATENT<br/>AND TRADEMARK<br/>OFFICE</b><br><br>List of Information Cited by Applicant<br>Page 1 of 1 | <b>ATTY. DOCKET NO.</b><br>GENS.62/PCT-US | <b>SERIAL NO.</b><br>10/599,662 |
|   | <b>APPLICANT</b><br>BUCKNER               |                                 |
|   | <b>FILING DATE</b><br>OCTOBER 4, 2006     | <b>GROUP</b>                    |

| U.S. PATENT DOCUMENTS |    |                  |            |             |     |             |              |
|-----------------------|----|------------------|------------|-------------|-----|-------------|--------------|
| EXAM.<br>INITIAL      |    | DOCUMENT NUMBER  | DATE       | NAME        | CLS | SUB-<br>CLS | FILE<br>DATE |
|                       | AA | 2003/0023132 A1  | 01/30/2003 | Melvin      |     |             |              |
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|                       | AJ |                  |            |             |     |             |              |

| FOREIGN PATENT DOCUMENTS |    |                    |      |         |     |            |            |
|--------------------------|----|--------------------|------|---------|-----|------------|------------|
| EXAM.<br>INITIAL         |    | DOCUMENT<br>NUMBER | DATE | COUNTRY | CLS | SUB<br>CLS | TRANS<br>? |
|                          | AK |                    |      |         |     |            |            |
|                          | AL |                    |      |         |     |            |            |
|                          | AM |                    |      |         |     |            |            |

| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)  |    |  |
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|   | AQ | Batista (1996) J. Card. Surg. Mar-Apr; 11(2):96-97, "Partial Left Ventriculectomy to Improve Left Ventricular Function in End-Stage Heart Disease"                 |
|   | AQ | Braunwald ed. (1992) <i>Heart Disease: A Textbook of Cardiovascular Medicine</i> , 4th edition. W.B. Saunders and Company, Philadelphia, p. 370-382                |
|   | AP | Gregoric and Couto (2002) Congestive Heart Failure 8:214-219, "Surgical Treatment of Congestive Heart Failure"   |
|   | AQ | Nemeh and Smedira (2003) Cleveland Clinic Journal of Medicine 70:223-233, "Mechanical Treatment of Heart Failure: The Growing Role of LVADs and Artificial Hearts" |
|   | AQ | Starling (1998) Cleveland Clinic Journal of Medicine 65:351-358, "The Heart Failure Pandemic: Changing Patterns, Costs, and Treatment Strategies"                  |
|   | AS | Westaby (1996) Heart 76:200-206, "The Need for Artificial Hearts"  |
|   | AT |  |
|   | AU |  |
| EXAMINER /Gary Porter, Jr/  |    | DATE CONSIDERED 09/25/2008   |
| *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |    |  |

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /G.P./